IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

SATURDAY, THE 1ST DECEMBER 2007 / 10TH AGRAHAYANA 1929

WP(C).No. 32551 of 2007(A)

PETITIONER:

BIJOY YOHANNAN,
THOZHUTHUMKUDIYIL HOUSE, KUMARAPURAM P.O.,
PALLIKKARA.

BY ADV. SRI.K.V.GOPINATHAN NAIR

RESPONDENT:

THE JOINT REGIONAL TRANSPORT OFFICER,
SUB REGIONAL TRANSPORT OFFICE,
PERUMBAVOOR.

BY GOVERNMENT PLEADER SRI. M.R.SABU

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 01/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KSS

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: COPY OF THE REGISTRATION PARTICULARS IN RESPECT OF KL/17-C 5879.

EXT.P2: COPY OF THE REGISTRATION PARTICULARS IN RESPECT OF KL/40-A 3767.

EXT.P3: COPY OF THE PHOTOGRAPH SHOWING THE FIXATION OF A CLOSED BODY OF THE VEHICLE.

EXT.P4: COPY OF THE APPLICATION SUBMITTED BY THE PETITIONER BEFORE THE RESPONDENT IN RESPECT OF KL/17C 5879 DTD. 25/09/2007.

EXT.P5: COPY OF THE APPLICATION SUBMITTED BY THE PETITIONER BEFORE THE RESPONDENT IN RESPECT OF KL/40A 3767 DTD. 25/09/2007.

EXT.P6: COPY OF THE ORDER OF THE RESPONDENT RETURNING THE APPLICATION IN RESPECT OF KL/17-C 5879 DTD. 5/10/2007.

EXT.P7: COPY OF THE ORDER OF THE RESPONDENT RETURNING THE APPLICATION IN RESPECT OF KL/40-A 3767 DTD. 5/10/2007.

/TRUE COPY/

P.A.TO JUDGE

KSS

ANTONY DOMINIC, J.

W.P.(C)NO.32551 OF 2007 - A

Dated this the 1st day of December, 2007.

JUDGMENT

Exts.P4 and P5 applications made by the petitioner for altering body of his vehicle into a closed one has been returned by the respondent by Exts.P6 and P7, on the basis that it offends Section 52 of the Motor Vehicles Act. This Court in several other cases has taken the view that unless there is structural change or basic structure of a vehicle is altered, permission of the authority is not necessary. In this case, what the petitioner wants to do is to cover an open body into a closed one. In my view, by this process Section 52 of the Act is not violated.

Therefore, Quashing Exts.P6 and P7, I direct the respondent to deal with Exts.P4 and P5. This shall be done as early as possible, at any rate, within two months from the date of production of a copy of this judgment. The petitioner shall produce a copy of this judgment before the respondent for compliance.

ANTONY DOMINIC, JUDGE.

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